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Chief Clerk of the House

FILED MAR 14 2003

By: Robert R. Puente

H.B. No. 3082

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Water Advisory Council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 9.008(a), Water Code, is amended to read
as follows:

(a) The council shall:

(1) heighten the level of dialogue on significant
water policy issues and, in an advisory role only, strive to provide
focus and recommendations on state water policy [~~initiatives~~],
including:

(A) [~~promoting flexibility and incentives for~~]
water desalination, brush control, [~~regionalization~~], weather
modification [~~projects~~], reuse, and public-private partnerships
relating to water projects;

(B) infrastructure improvement for water
projects [~~promoting adequate financing for surface water and~~
~~groundwater projects~~];

(C) [~~development of~~] water conservation and
drought management practices [~~projects~~];

(D) status [~~implementation~~] of [~~approved~~]
regional and state water plans;

(E) encouraging commonality of technical data
and information such as joint agency studies, freshwater inflow
recommendations, surface water and groundwater availability

1 models, and bay and estuary and instream flow recommendations
2 developed by the Parks and Wildlife Department, the commission, and
3 the Texas Water Development Board; ~~and~~

4 (F) encouraging the use of supplemental
5 environmental projects for water infrastructure needs and
6 enhancing the aquatic environment and habitat in enforcement
7 proceedings at a state agency or political subdivision;

8 (G) water marketing, speculation, and region of
9 origin impacts; and

10 (H) environmental and instream flows;

11 (2) encourage the enhancement and coordination of
12 state, interstate, and international efforts to improve
13 environmental quality and living conditions along the Texas-Mexico
14 border;

15 (3) coordinate a unified state position on federal and
16 international water issues; and

17 (4) advise the Texas Water Development Board on
18 developing criteria for prioritizing the funding of projects in the
19 state water plan.

20 SECTION 2. Section 9.011(a), Water Code, is amended to read
21 as follows:

22 (a) In ~~Before~~ its five-year analysis under Section 9.010,
23 an authority shall report to the council a self-assessment of:

24 (1) how the authority is achieving its stated mission
25 and goals, including an identification of any barriers to achieving
26 the mission and goals;

27 (2) how the authority is providing service to its

1 customers, including mechanisms the authority provides to
2 encourage input from the public and its customers;

3 (3) how the authority is addressing issues raised by
4 its most recent management audit, if the audit is required by
5 commission rule to be performed, including its administrative
6 policies; and

7 (4) the authority's role in the regional water
8 planning process.

9 SECTION 3. Section 9.017, Water Code, is amended to read as
10 follows:

11 Sec. 9.017. DISSOLUTION OF COUNCIL AND ACCOUNT. Unless
12 extended by the 79th or 80th [~~78th~~] Texas Legislature, this chapter
13 and the interagency water advisory account expire on September 1,
14 2007 [~~2005~~].

15 SECTION 4. This Act takes effect September 1, 2003.

H.B. NO. 3082
C.S.H.B. NO. 3082

HOUSE COMMITTEE REPORT

1st Printing

By: Puente

H.B. No. 3082

Substitute the following for H.B. No. 3082:

By: Puente

C.S.H.B. No. 3082

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Water Advisory Council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 9.002 through 9.009, 9.016, and 9.017, Water Code, are amended to read as follows:

Sec. 9.002. CREATION AND MEMBERSHIP. (a) The council is created to provide the governor, lieutenant governor, speaker of the house of representatives, and legislature with the resource of a select council of expertise on state water issues and consists of 15 [13] members as follows:

(1) the chairman, or a board member designated by the chairman, of the Texas Water Development Board;

(2) the chairman, or a commissioner designated by the chairman, of the commission;

(3) the chairman, or a commissioner designated by the chairman, of the Parks and Wildlife Commission;

(4) the commissioner of agriculture;

(5) the commissioner of the General Land Office;

(6) three members of the house of representatives appointed by the speaker of the house of representatives;

(7) three [~~two~~] members of the senate appointed by the lieutenant governor; and

(8) four [~~three~~] members of the general public appointed by the governor, one representing groundwater

1 management, one representing surface water management, ~~[and]~~ one
2 representing the environmental community, and one representing the
3 coastal region.

4 (b) Except as provided by Subsection (c), council ~~[Council]~~
5 members may not delegate participation or council duties to staff.

6 (c) A council member who is a member of the governing body of
7 a state agency may delegate participation and council duties to the
8 agency's executive administrator, executive director, or deputy
9 commissioner, as appropriate.

10 Sec. 9.003. TERMS. (a) Public members serve staggered
11 three-year terms ~~[Except for the commissioner of the General Land~~
12 ~~Office and the commissioner of agriculture, council members who are~~
13 ~~officials of state agencies serve terms as determined by the~~
14 ~~chairman of each agency].~~

15 (b) Public ~~[Council members who are members of the general~~
16 ~~public serve staggered six-year terms with the term of one member~~
17 ~~expiring August 31 of each odd-numbered year.~~

18 ~~[(c) Council]~~ members may be reappointed to serve
19 additional terms.

20 (c) Legislative members serve at the discretion of the
21 original appointing authority.

22 (d) A vacancy on the council shall be filled by appointment
23 by the original appointing authority for the unexpired term.

24 Sec. 9.004. OFFICERS OF THE COUNCIL. (a) The council shall
25 elect a chair from among the legislative members of the council.
26 The ~~[governor shall appoint a council member as the]~~ chair of the
27 council shall serve ~~[for]~~ a two-year term ~~[expiring May 31 of each~~

1 ~~even-numbered year~~].

2 (b) The council shall alternate the selection of the chair
3 every two years between a house and senate council member ~~[have a~~
4 ~~secretary of the council who serves at the pleasure of the council~~
5 ~~and is accountable only to the council]~~.

6 Sec. 9.005. COUNCIL STAFF. On request by the council, the
7 senate and house standing committees with primary responsibility
8 over water resource management, the commission, the Parks and
9 Wildlife Department, the Department of Agriculture, and the Texas
10 Water Development Board shall provide any staff ~~[other than the~~
11 ~~secretary of the council]~~ necessary to assist the council in the
12 performance of its duties.

13 Sec. 9.006. MEETINGS. (a) The council shall conduct public
14 meetings at the discretion of the chair at least twice a year ~~[meet~~
15 ~~at least once in each calendar quarter]~~. Eight ~~[Six]~~ members
16 constitute a quorum.

17 (b) The council is subject to Chapters 551 and 2001,
18 Government Code.

19 Sec. 9.007. COMPENSATION OF MEMBERS. (a) Members of the
20 council serve without compensation but public members may be
21 reimbursed by legislative appropriation for actual and necessary
22 expenses related to the performance of council duties.

23 (b) Reimbursement under Subsection (a) is subject to the
24 approval of the council ~~[chair]~~.

25 Sec. 9.008. POWERS AND DUTIES OF COUNCIL. (a) The
26 governor, lieutenant governor, and speaker of the house of
27 representatives may issue charges to the council on state water

1 issues. The council shall provide recommendations to the governor,
2 lieutenant governor, or speaker of the house of representatives, as
3 appropriate, based on the charges [~~The council shall:~~

4 ~~[(1) heighten the level of dialogue on significant~~
5 ~~water policy issues and, in an advisory role only, strive to provide~~
6 ~~focus and recommendations on state water policy initiatives,~~
7 ~~including:~~

8 ~~[(A) promoting flexibility and incentives for~~
9 ~~water desalination, brush control, regionalization, weather~~
10 ~~modification projects, and public-private partnerships relating to~~
11 ~~water projects,~~

12 ~~[(B) promoting adequate financing for surface~~
13 ~~water and groundwater projects,~~

14 ~~[(C) development of water conservation and~~
15 ~~drought management projects,~~

16 ~~[(D) implementation of approved regional and~~
17 ~~state water plans,~~

18 ~~[(E) encouraging commonality of technical data~~
19 ~~and information such as joint agency studies, freshwater inflow~~
20 ~~recommendations, surface water and groundwater availability~~
21 ~~models, and bay and estuary and instream flow recommendations~~
22 ~~developed by the Parks and Wildlife Department, the commission, and~~
23 ~~the Texas Water Development Board, and~~

24 ~~[(F) encouraging the use of supplemental~~
25 ~~environmental projects for water infrastructure needs and~~
26 ~~enhancing the aquatic environment and habitat in enforcement~~
27 ~~proceedings at a state agency or political subdivision,~~

1 ~~[(2) encourage the enhancement and coordination of~~
2 ~~state, interstate, and international efforts to improve~~
3 ~~environmental quality and living conditions along the Texas-Mexico~~
4 ~~border,~~

5 ~~[(3) coordinate a unified state position on federal~~
6 ~~and international water issues, and~~

7 ~~[(4) advise the Texas Water Development Board on~~
8 ~~developing criteria for prioritizing the funding of projects in the~~
9 ~~state water plan].~~

10 (b) If the governor, lieutenant governor, or speaker of the
11 house of representatives does not issue charges to the council, the
12 council may create a list of state water issues and present the list
13 to the governor, lieutenant governor, and speaker of the house of
14 representatives. The governor, lieutenant governor, and speaker of
15 the house of representatives may select a total of not more than
16 four issues from the list. The council shall provide
17 recommendations based on that list.

18 (c) The council may draft and review proposed legislation,
19 for purposes of recommendation only, to communicate specific policy
20 changes that may be needed.

21 (d) The council may request reports from river authorities,
22 surface water authorities, and water districts.

23 (e) The council shall coordinate its efforts with the senate
24 and house standing committees with primary responsibility over
25 water resource management.

26 (f) The council may appoint subcommittees of council
27 members to analyze specific issues within charges to the council or

1 issues selected from the council's list by the governor, lieutenant
2 governor, and speaker of the house of representatives.

3 (g) The council may appoint a technical committee to analyze
4 specific issues within charges to the council or issues selected
5 from the council's list by the governor, lieutenant governor, and
6 speaker of the house of representatives. The technical committee
7 may contain noncouncil members.

8 (h) The council may not:

9 (1) adopt rules;

10 (2) regulate water use, water quality, or any other
11 aspect of water resource management;

12 (3) plan or construct water resource projects or have
13 such projects planned or constructed;

14 (4) grant or lend money for the construction of water
15 resource projects;

16 (5) establish water resource management standards or
17 otherwise usurp the authority of or infringe upon the duties,
18 responsibilities, or powers of local, regional, or state water
19 management entities, including groundwater districts, river
20 authorities and compacts, regional water planning groups, or member
21 agencies of the council; or

22 (6) consider or discuss a specific permit or project
23 or recommendation for a project until the water permit has been
24 issued by the state and all motions for rehearing have been
25 overruled.

26 Sec. 9.009. REPORT. (a) The council shall submit a report
27 on its recommendations [~~Not later than December 1 of each~~]

1 ~~even-numbered year, the council shall submit a report]~~ to the
2 governor, lieutenant governor, and speaker of the house of
3 representatives and to the senate and house standing committees
4 with primary responsibility over water resource management not
5 later than December 31 each year ~~[and financing]~~.

6 (b) The report must include recommendations ~~[findings of]~~
7 the council made on charges issued by or issues selected from the
8 council's list by the governor, lieutenant governor, and speaker of
9 the house of representatives during the year ~~[in the periodic~~
10 ~~reviews of authorities during the preceding two-year period and any~~
11 ~~other findings and recommendations the council considers~~
12 ~~necessary]~~.

13 (c) The governor, lieutenant governor, and speaker of the
14 house of representatives may request additional reports on specific
15 charges at any time.

16 (d) The council may request reports from committees
17 established under Sections 9.008(f) and (g).

18 Sec. 9.016. PUBLIC PARTICIPATION. The council shall
19 encourage public participation at council meetings and public input
20 regarding the council's purpose, the exercise of its powers and
21 duties under Section 9.008, and its preparation of the report
22 described in Section 9.009~~[, and its analysis of authorities under~~
23 ~~Sections 9.010 and 9.011]~~.

24 Sec. 9.017. DISSOLUTION OF COUNCIL AND ACCOUNT. Unless
25 extended by the 79th ~~[78th]~~ Texas Legislature, this chapter and the
26 interagency water advisory account expire on December 31 ~~[September~~
27 ~~1]~~, 2005.

1 SECTION 2. Sections 9.010, 9.011, and 9.012, Water Code,
2 are repealed.

3 SECTION 3. (a) The terms of public members serving on the
4 Texas Water Advisory Council on the effective date of this Act
5 expire on that date.

6 (b) As soon as practicable after the effective date of this
7 Act, the governor shall appoint four members of the general public
8 to the Texas Water Advisory Council as provided by Section 9.002,
9 Water Code, as amended by this Act. The governor may reappoint a
10 person who was serving on the council on the effective date of this
11 Act. The newly appointed public members shall draw lots to
12 determine which two members serve two-year terms and which two
13 members serve three-year terms.

14 SECTION 4. This Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4/30/03
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES

to whom was referred HB 3082 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
 () do pass, with amendment(s).
☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes () no A fiscal note was requested.
 () yes ☒ no A criminal justice policy impact statement was requested.
 () yes ☒ no An equalized educational funding impact statement was requested.
 () yes ☒ no An actuarial analysis was requested.
 () yes ☒ no A water development policy impact statement was requested.
 () yes ☒ no A tax equity note was requested.
☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Puente, Chair	X			
Callegari, Vice-chair				X
Campbell	X			
Cook, R.	X			
Geren	X			
Hamilton	X			
Hardcastle				X
Hope				X
Wolens				X

Total

5 aye
0 nay
0 present, not voting
4 absent

McGinnis
CHAIR

BILL ANALYSIS

C.S.H.B. 3082
By: Puente
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Water Advisory Council (Council) was originally created in S.B. 2, 77th Texas Legislature. The original purpose of the Council was to heighten the level of dialogue on significant water policy issues and, in an advisory role only, provide focus and recommendations on state water policy initiatives. This Council differs from interim committees in that it is intended to be an ongoing forum, not limited in term to a single interim. Council membership currently includes 13 members made up of elected officials, agency heads, and public members.

After four quarterly meetings last year, it became apparent to council members that the Council statute needed revisions to refine the structure, purpose, and duties of the council.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3082 amends the Water Code to provide that the Council is created to provide information to the Governor, Lieutenant Governor, and Speaker of the House of Representatives. The bill also allows two more public members to serve on the Council. The bill further allows agency commissioners to delegate responsibilities for serving on the Council to their designee. The bill also makes changes in regard to terms and alternation of the chairman.

C.S.H.B. 3082 also provides that the Senate and House Committees on Natural Resources will staff the Council. The bill also provides for fewer mandatory meetings of the Council and allows public members to be reimbursed for expenses.

C.S.H.B. 3082 also allows the Governor, Lieutenant Governor, and Speaker of the House of Representatives to issue charges to the Council and allows the Council to provide recommendations. Also, the Council may create a list of state water issues if not provided a charge, review reports from river authorities, and legislation. The Council may also appoint a technical committee. The Council is also required to submit a report with recommendations and is dissolved if not extended by the 79th Texas Legislature.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute changes the membership of the Council from 13 members to 15 members, which include one additional Senator and one additional public member. The substitute also provides for an increased role of participation and involvement from the Governor, Lt. Governor, and Speaker of the House of Representatives. Finally, the substitute allows a council member, who is a member of the governing body of a state agency, to delegate participation and council duties to the executive administrator, executive director, or deputy commissioner, as applicable, of that agency.

C.S.H.B. 3082 78(R)

1

SUMMARY OF COMMITTEE ACTION

HB 3082

April 30, 2003 3:00PM or upon final adjourn./recess

Considered in public hearing

Committee substitute considered in committee

Amendment(s) considered in committee

Recommended to be sent to Local & Consent

Reported favorably as substituted



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 6, 2003

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3082 by Puente (Relating to the Texas Water Advisory Council.), **Committee Report**
1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would make changes affecting the Texas Water Advisory Council, adding the following topics to the list of state water policy issues studied by the Council: reuse; infrastructure improvement for water projects; water marketing, speculation, and region of origin impacts; and environmental and instream flows. The bill would change the date of dissolution of both the Council and the interagency water advisory account from September 1, 2005 to September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 551 Department of Agriculture, 580 Water Development Board, 582 Commission on Environmental Quality, 802 Parks and Wildlife Department

LBB Staff: JK, CL, TL, KG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 28, 2003

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3082 by Puente (Relating to the Texas Water Advisory Council.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would make changes affecting the Texas Water Advisory Council, adding the following topics to the list of state water policy issues studied by the Council: reuse; infrastructure improvement for water projects; water marketing, speculation, and region of origin impacts; and environmental and instream flows. The bill would change the date of dissolution of both the Council and the interagency water advisory account from September 1, 2005 to September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality, 802 Parks and Wildlife Department

LBB Staff: JK, CL, TL, KG

relating to the Texas Water Advisory Council.

MAR 14 2003 Filed with the Chief Clerk

MAR 28 2003 Read first time and referred to Committee on Natural Resources

APR 30 2003 Reported favorably (~~as amended~~)
(as substituted)

MAY 08 2003 Sent to Committee on (~~Calendars~~)
(Local & Consent Calendars)

 Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

 Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

 Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

 Engrossed

 Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

 Received from the House

 Read and referred to Committee on _____

 Reported favorably _____

 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

 Ordered not printed

 Laid before the Senate

 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

 Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

 Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

 Read third time, _____, and passed by (a viva voce vote)
(yeas, nays)

 Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)